IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 21570 of 1994

Between:

1.Smt. Sahebunnisa Begum W/o Mohd. Yousuf
R/o H.No.22-7-266, Inside Dewan Devdi, Hyderabad
2.Aisha Banu D/o M.A. Wahab, R/o H.No.22-7-266,

Inside Dewan Devdi, Hyderabad

..... PETITIONERS

AND

1.The Principal Secretary to Government, Municipal Administration

& Urban Development Dept., Govt. of A.P., Secretariat, Hyderabad.
2.Municipal Corporation of Hyderabad through Commissioner having
Office at Tank Bund, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order, direction or a writ particularly in the nature of Writ of Mandamus declaring the impugned letter of Respondent No.2 vide No.207/265/722/94/895 dated 15-11-1994 thereby revoking the permit issued in respect of petitioner property bearing M.C.No.22-7-207 & 265, situated inside Dewan Devdi, Hyderabad admeasuring 98 Sq. Yards and bounded by: North: Mulgi No.22-7-208. South: Road (Dead lane 15' wide) West C.C.Road to the extent of 9 feet is null and void and arbitrary.

Counsel for the Petitioner: MR.MOHD.OSMAN SHAHEED

Counsel for the Respondents: SMT.G.JYOTHI KIRAN (S.C)

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The proceedings of the second respondent, dated 15-11-1994, are under challenge in the present writ petition.

3. The petitioners aver that they obtained permission from the second respondent to carry out certain additions and alterations in the premises in dispute on 31-08-1994 and while such constructions were in accordance with the sanctioned plan and when actually they were being undertaken, on the strength of the complaint made by a neighbour, the second respondent issued a show cause notice requiring the petitioners as to why the permission could not be cancelled. A reply had also been submitted to the said show cause notice. Having not been satisfied with the reply submitted by the petitioners, the impugned proceedings have been issued. Hence, the present writ petition.

4. It is not in dispute that the show cause notice under Section-450 of the Hyderabad Municipal Corporation Act, 1955 (for short “the Act”), had been given and that a reply has also been submitted to the said show cause notice. Therefore, it is not for the petitioners to contend that the second respondent

had violated the principles of natural justice. As and when any violations are found, in spite of obtaining permission from the Corporation, it is always open for the authorities to take appropriate action in accordance with law.

5. In the instant case, obviously, though permission was issued by the Corporation, on account of the violations, which were brought to the notice of the respondents, a show cause notice under Section-450 of the Act had been issued and only after receiving the reply from the petitioners and having not satisfied with the said reply, the present impugned proceedings have been passed.

6. I do not find any illegality either in the impugned proceedings or in the procedure adopted by the respondents. Hence, I do not find any merits in the writ petition and the same is liable to be dismissed.

7. However, it is always open for the petitioners to make a representation afresh to the respondents within a period of four weeks from the date of receipt of a copy of this order and upon such representation being made, the respondents shall consider the same and pass appropriate orders, within a period of four weeks thereafter, in accordance with law.

8. With the above observations, the writ petition is dismissed. However, there shall be no order as to costs.

29TH JULY 2004 D.S.R.VARMA, J

KRK

To:

1.The Principal Secretary to Government, Municipal Administration

& Urban Development Dept., Govt. of A.P., Secretariat, Hyderabad.
2.Municipal Corporation of Hyderabad through Commissioner having Office at Tank Bund, Hyderabad.

3.Two CD copies.

4. One spare.